IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2481 OF 2004

Krishna S. Shetty ...Petitioner.
Versus
Union of India
and Ors. ...Respondents.

....

None for the Petitioner.
Mr.D.A.Dubey, Advocate for Respondents.

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CORAM : **F.I.REBELLO AND SMT.V.K.TAHILRAMANI,JJ.**
DATED : **JUNE 20, 2006.**

P.C.:

. None present for the petitioner. Even otherwise, we have perused the impugned order. The petitioner had approached the Tribunal challenging his reversion from the post of Manager and non-payment of certain benefits and in situ promotion. The learned Tribunal after considering the documentary evidence on record has come to conclusion that there was no post of Manager and the order merely stated that he will hold the charge without any additional remuneration for the said post. A person seeking promotion, must establish that regular post is available. In the instant case, there was no post available. Hence, the finding of the Tribunal on that count, cannot

be faulted. Insofar as the granting in situ promotion, the Tribunal held that the service rendered with effect from 1.10.1991 only would count for consideration as per the scheme and hence the applicant did not fulfil any of the condition for grant of in situ promotion In these circumstances the Tribunal also held against the petitioner. For the purposes of in situ promotion, the candidate must satisfy the necessary service requirements. Nothing was pointed out that the past private services were protected which could be counted for the purposes of in situ promotion.

2. The Tribunal however has issued certain directions. The respondent-State is bound to comply with the said directions.

3. With the above observations, Petition stands disposed of.

[F.I.REBELLO,J.]

[SMT.V.K.TAHILRAMANI,J.]